

March 13, 2023

Via JZIS

Board of Zoning Adjustment
441 4th Street, N.W.
Suite 210S
Washington, DC 20001

Re: Prehearing Submission - BZA Case No. 20867 – 1934 35th Place, NW

Dear Chairperson Hill and Members of the Board,

Upon further consideration, Applicant's counsel has requested an additional determination from the Zoning Administrator regarding the use variance request in this Application. The Applicant's proposal is included in the emails from Applicant's counsel to the Zoning Administrator delivered March 10 and 12.

In summary, Applicant's counsel asserts that when a flat is considered a nonconforming use due to being located in a zone that permits only one principal dwelling unit, only the second dwelling unit – the nonconforming one – should be restricted from expansion, pursuant to C-204.2 of the Zoning Regulations.

The argument is detailed in the attached emails, and Applicant's counsel will be prepared to discuss the issue at the hearing, if the Board so desires.

Respectfully Submitted,

Alexandra Wilson

Alexandra Wilson
Sullivan & Barros, LLP

CERTIFICATE OF SERVICE

I hereby certify that on March 13, 2023, an electronic copy of this submission was served to the following:

D.C. Office of Planning
Stephen Cochran
stephen.cochran@dc.gov

Advisory Neighborhood Commission 2E

ANC Office
anc2E@dc.gov

Kishan Putta, SMD
2E01@anc.dc.gov

Advisory Neighborhood Commission 3B (within 200 feet)

Jackie Blumenthal, Chairperson
3B02@anc.dc.gov

Respectfully Submitted,

Sarah Harkcom
Sarah Harkcom, Case Manager
Sullivan & Barros, LLP